

### **Remarks**

Claims 1-18 are pending.

Claims 1-6, 9-11 and 13-18 are rejected under 35 USC 102(e) as being anticipated by US Patent Application No. 2005/0161678.

Applicants respectfully traverse the rejections.

In their previous response mailed December 7, 2006, Applicants had included a Declaration filed under 37 CFR 1.132 signed by Hilmar Wienart stating that he invented the subject matter disclosed but not claimed in U.S. Pub. Pat. Appl. No. 2005/0161678 related to plane parallel structures of  $\text{SiO}_y$  wherein  $1 \leq y \leq 1.8$ ,  $\text{SiO}_2$  flakes having "a high plane-parallelism" and various uses thereof, in particular the material of paragraph 62 of the US Published application relied on by the Examiner the present rejections.

Unfortunately, the declaration filed December 2006 contained a phrase that was crossed out but not initialed. As a result of this error the declaration was deficient and the Examiner maintained the rejection under 35 USC 102(e) over US Patent Application No. 2005/0161678.

Applicants apologize for this error and kindly ask the Examiner to accept the enclosed replacement declaration of Hilmar Wienart.

Enclosed is a Declaration filed under 37 CFR 1.132 signed by Hilmar Wienart stating that he invented the subject matter disclosed but not claimed in U.S. Pub. Pat. Appl. No. 2005/0161678 related to plane parallel structures of  $\text{SiO}_y$  wherein  $1 \leq y \leq 1.8$ ,  $\text{SiO}_2$  flakes having "a high plane-parallelism" and various uses thereof, in particular the material of paragraph 62 of the US Published application relied on by the Examiner the present rejections.

Applicants respectfully submit that the present proper declaration and the previously filed declaration signed by co-inventor Patrice Bujard establish that co-inventors of the instant application are also inventors of the matter disclosed but not claimed in U.S. Pub. Pat. Appl. No. 2005/0161678 relied on by the Examiner, and thus the invention disclosed in the cited art is not by another.

Applicants respectfully submit that the rejections of claims 1-6, 9-11 and 13-18 under 35 USC 102(e) are addressed and are overcome and kindly ask that the rejections be withdrawn.

Claims 7 and 8 are objected to as being dependent on a rejected base claim. Applicants respectfully submit that in light of the enclosed Declarations and the discussions above that the base claim is allowable and that the objections are therefore overcome and kindly ask that the objections be withdrawn.

As claim 12 was already deemed allowable and there are no other rejections or objections, Applicants respectfully request that all objections and rejections be withdrawn and kindly ask that claims 1-18 be found allowable.

In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



Joseph C. Suhadolnik  
Agent for Applicants  
Reg. No. 56,880  
filed under 37 CFR 1.34(a)

Ciba Specialty Chemicals Corporation  
Patent Department  
540 White Plains Road  
P.O. Box 2005  
Tarrytown, NY 10591-9005  
Tel. (914) 785-2973  
Fax (914) 785-7102

Enclosures: Declaration under 132 of Hilmar Wienart